

STUDENT CONDUCT AND DISCIPLINE REGULATION

Productive, satisfying, and wholesome learning environments depend upon relationships which permit students to learn and teachers to teach.

Each student is expected to be responsible for his/her own behavior. The district's rules of conduct, as outlined in the preceding policy, focusing on personal safety and respect for the rights and property of others, apply throughout the school, on field trips and at any function sponsored by North Colonie Schools. Students who violate school rules will be subject to appropriate disciplinary action and more regulated supervision.

Disciplinary action, when necessary, will be firm, fair, and consistent in order to be most effective in changing behavior and action will be appropriate to the seriousness of the offense.

The administration reserves the right to assess disciplinary actions based upon particular situations. Disciplinary action, which may include suspension from school, will occur when a student behaves in a manner which constitutes:

1. conduct endangering health, safety, morals or welfare of self and/or others, that is:
 - a. fighting or behaving violently,
 - b. threatening another with bodily harm,
 - c. intimidating or harassing students or school personnel,
 - d. discrimination or discriminatory actions,
 - e. making unreasonable noise,
 - f. using inappropriate language or gestures,
 - g. inappropriate display of affection in public,
 - h. dressing inappropriately,
 - i. engaging in misconduct on bus, or at school activities;
 - j. creating a hazardous or physically offensive condition;
 - k. possessing or using beeper, portable phones or pagers in school or on school buses;
 - l. using slurs based on race, creed, color, age, national origin, sex, sexual orientation, religion, disability, marital status, genetic disposition, or HIV or Hepatitis Carrier status.
2. insubordination, that is, failure to comply with the lawful directions of teachers, school administrators, or other school employees in a supervisory capacity, or missing or leaving school without permission;
3. academic misconduct, including but not limited to:
 - a. academic fraud or cheating,
 - b. tardiness to school or class,
 - c. failure to attend class,
 - d. failure to complete homework,
 - e. plagiarism;
 - f. inappropriate use of technology
4. conduct which violates Board rules and regulations for the maintenance of public order on school property, including but not limited to:
 - a. vandalism or any destruction of real and/or personal property (including graffiti or arson),
 - b. theft,

- c. truancy (the district will file a Person in Need of Supervision (PINS) petition for students who are chronically truant),
- d. possession/use/sale/purchase or under influence of drugs or alcohol,
- e. possession, use or threatened use of weapons or fire works,
- f. possession or use of tobacco or tobacco products,
- g. hazing.
- h. possessing or using beeper, portable phones or pagers in school or on school buses.

A single flagrant violation can result in immediate referral to police, Family Court, or the Superintendent for possible long-term suspension.

A student is not permitted in any school building, other than the one that he/she regularly attends, without permission from the administrator in charge of the building. A student is not permitted in his/her own school building outside of regular school hours except for school approved activities or unless he/she has permission from the administrator in charge of the building. Should a student be found in a building without permission, the necessary authorities may be called and trespassing charges may be lodged against the student.

**Each building shall maintain a full description of the
Board of Education policies regarding disciplinary matters.**

Due Process

Due process requires that the student be given oral or written notice of the charges against him/her and, if he/she denies them, an explanation of the evidence the authorities have and an opportunity to present his/her side of the story. There need not be a delay between the time notice is given and the time of the hearing. The school administrator may informally discuss the alleged misconduct with the student within minutes after it has occurred. In being given an opportunity to explain his/her version of the facts at this discussion, the student must first be told what he/she is accused of doing and the basis of the accusation. (Goss vs. Lopez, 419 U.S. 565, 1975)

The court in Goss also stated that those students whose presence poses a danger to person or property may be immediately removed from the school.

In case of suspension of five days or less, parents must be notified by telephone immediately, if possible, and in writing within 24 hours with reasons for suspension and procedural rights related to the suspension. No student may be suspended for a period of in excess of five school days unless he/she and the person in parental relation to the student are provided an opportunity for a hearing upon reasonable notice. The notice of the hearing should advise the student of the activities or incidents which have given rise to the proceeding and form the basis for the hearing. The student may bring a parent/guardian to the hearing and has the right to be represented by an attorney, testify in his/her own behalf, and cross-examine witnesses against him/her. (Education Law, 3214 (3))

Students with disabling conditions are protected under the same rights as all children. In cases where a suspension affects the educational placement of a student, a disabled student is also protected by the due process procedures as indicated in the Commissioner's Regulations, Part 200.

NOTE: The section on due process is quoted from School Law 1990: *A Handbook for School Board Members*, published by the NYS School Boards' Association. **Note to District: School Law 26th Edition (1996) will be available in October, 1996.**

Note: Prior regulation, Student Conduct and Discipline, 5131(a), (b)

March 18, 1993

June 23, 1997

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